

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2855

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confessk and proof as noted by the Register and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the bill of complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that service was perfected by personal service upon Emmie S. Carter and Mary Wylie; that service was perfected upon John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks, commencing on the 31st day of July, 1952; that service was perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks, beginning with its issue of July 31, 1952, against the unknown heirs, devisees, grantees, personal representatives and assigns of the Respondents herein and each of them, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; that Harry J. Wilters, Jr., a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed as Guardian ad Litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as Guardian ad Litem and filed answer denying all the material allegations of the complaint, and appeared and cross examined

the witnesses for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that the Respondents, John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmis S. Carter, the unknown heirs, devisees, grantees, personal representatives and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmis S. Carter, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7 and 8 in Farm 12 as per plat of file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7 and 8 in Farm 12 as per plat on file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less,

is vested absolutely in the Complainant, State Bank of Elberta, a corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, and in the indirect index in the name of State Bank of Elberta, a corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 16th day of January, 1953.

J. Fair G. Mablebury, Jr.
JUDGE

Recorded in
Reed Book 191-
Page 123-7
W. R. G. [unclear]
[unclear]

M

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

FINAL DECREE

FILED
JAN 19, 1953.

ALEX J. DUCK, Register

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

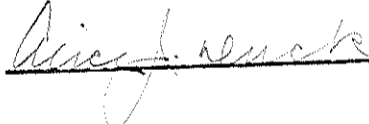
Ø
Ø IN THE CIRCUIT COURT OF
Ø BALDWIN COUNTY, ALABAMA,
Ø IN EQUITY
Ø NO.2855
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It appearing to the court that some of the Respondents in the above styled cause are unknown, and that their names and addresses cannot be ascertained after a diligent search and inquiry.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that Harry J. Wilters, Jr., a practicing attorney at Bay Minette, Baldwin County, Alabama, be and he is hereby appointed Guardian ad litem to represent and protect the interest of the respondents, in the above styled cause, whose names and addresses are unknown, and cannot be ascertained after a diligent search and inquiry.

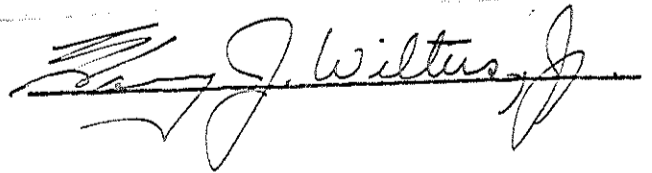
IT IS FURTHER ORDERED that the said Harry J. Wilters Jr., be notified of his appointment, and of the time fixed to take testimony in the cause.

Dated this the 14 day of January, 1953.



I hereby consent to act as guardian ad litem in the above styled cause for all parties whose names and addresses are unknown and cannot be ascertained after a diligent search and inquiry. I, as guardian ad litem for the unknown respondents deny all the material allegations contained in the bill of complaint and demands strict proof of the same.

Dated this the 14 day of January, 1953.



RECORDED

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

APPOINTMENT OF GUARDIAN AD
LITEM AND ACCEPTANCE

Filed 1/14/53
Admission
Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JOHN W. DOWNER, ALABAMA TOBACCO COMPANY, A CORPORATION, MARY WYLIE AND EMMIE S. CARTER, the unknown heirs, devisees, grantees, personal representatives and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, to appear and plead, answer or demur, within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by State Bank of Elberta, as Complainant and against John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, as Respondents.

WITNESS my hand this the 25 day of July, 1952.

Henry J. ...
Register

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

TO THE HONORABLE, THE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY:

Now comes your Complainant, The State Bank of Elberta, a corporation, and presents this its bill of complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7, and 8 in Farm 12 as per plat of file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less,

and also against John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, the unknown heirs, assigns, grantees, and personal representatives of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, and any other person, firm or corporation claiming any right, title, interest in, or encumbrance against the said land or any part thereof and respectfully represents and shows unto this Honorable Court as follows:

1.

That the Complainant, The State Bank of Elberta, is a corporation organized and existing under the laws of the State of Alabama with its place of business at Elberta, in Baldwin County, Alabama.

2.

That Mary Wylie and Emmie S. Carter are over twenty-one years of age and their address being 1 West Broadway, Montgomery, Alabama; that John W. Downer, if living, is over twenty-one years of age and a non-resident of the State of Alabama, and if dead, his heirs, assigns, executors, administrators and personal representatives are nonresidents of the state of Alabama, and from all information obtainable, over twenty-one years of age and their addresses cannot be ascertained after a diligent search and inquiry; that the Alabama Tobacco Company is a corporation, but has no one a resident of the State of Alabama upon whom service can be perfected.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

Farm Lots 5, 6, 7, and 8 in Farm 12 as per plat of file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less.

4.

That no suit is pending to test the Complainant's title to, interest in, or rights of possession to said land; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have in or upon said lands or any part thereof, and by what instrument or instruments the same is derived and/or created.

5.

That your Complainant acquired title to the said land by foreclosure deed from Will Williams and Annie Williams dated December 3, 1951, and of record in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 174 pages 288-9.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of the State Bank of Elberta, a corporation, Alabama Tobacco Company, John W. Downer, Mary Wylie, and Emmie S. Carter.

7.

That no one has at any time within ten years next preceding the filing of the bill of complaint in this cause, paid any taxes upon said land other than the State Bank of Elberta, Mary Wylie, Emmie S. Carter, Will Williams, Annie Williams and A. J. Shire, and the heirs of A. J. Shire.

8.

That the only persons shown by the records of Baldwin County, Alabama, to claims said land or any part thereof or any interest therein are State Bank of Elberta, Mary Wylie, Emmie S. Carter, John W. Downer, and Alabama Tobacco Company.

9.

That your Complainant has made and caused to be made a diligent search of the records of Baldwin County, Alabama, having an abstract prepared and has also made inquiry of parties in the vicinity of the land, and adjacent thereto to determine the facts herein alleged to be unknown and no information is obtainable, other than as herein recited.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, the unknown heirs, devisees, personal representatives, grantees and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, an any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said land in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7, and 8 in Farm 12 as per plat of file in the office of the Alabama Tobacco Company being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less.

or any part thereof, parties respondent to this bill of complaint, and require them, and each of them, to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further pray that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances to the lands herein described, and to each and every part and parcel thereof, is vested in your Complainant, The State Bank of Elberta, and that neither John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, the unknown heirs,

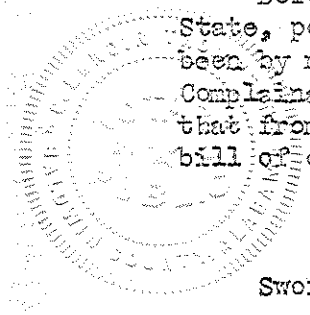
devisees, personal representatives, grantees and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, nor any other person, firm or corporation has any right, title to, interest in, or encumbrances upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainant prays for such other, further, different or general relief as it may be in equity and good conscience entitled to receive.

Henry Lane
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, depose and says that he is Solicitor for the Complainant in the above styled cause, is authorized to make this affidavit; that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.



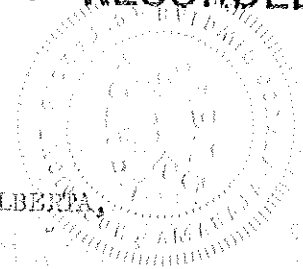
H. M. Hall

Sworn to and subscribed before me on this the 25 day of July, 1952.

C. E. ...
Notary Public, Baldwin County, Alabama.

Received in Sheriff's Office
this 28 day of July, 1952
678 TAYLOR WILKINS, Sheriff

W 2855 RECORDED



STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

RECEIVED IN OFFICE
JUL 29 1952
G. A. MOSLEY, Sheriff

EXECUTED BY SERVING
A COPY OF THIS WITHIN

Emmie S. Carter
Mary Wylie

BILL OF COMPLAINT

7-28-52

G. A. Mosley
Sheriff, Elberta County
By *Mathis*
Deputy Sheriff

FILED
JUL 25 1952
ALICE I. DICK, Register

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2855

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the following:

1. Original summons and complaint.
2. Lis Pendens notice filed for record in the Probate Office.
3. Proof of publication of notice in the Baldwin Times.
4. Decree pro confesso by publication.
5. Decree pro confesso on personal service.
6. Request for appointment of Commissioner.
7. Commission to take deposition.
8. Notice of time of taking testimony.
9. Appointment of guardian ad litem and acceptance.
10. Oral depositions of Alfred M. Neumann and Claude Peteet, with exhibits attached.

Dated this the 15 day of January, 1953.

James Lee
Solicitor for the Complainant

Alvin L. Smith
REGISTER

M

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

NOTE OF TESTIMONY

Filed 12-15-57

*W. J. ...
Reple*

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2855

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Now comes the Complainant in the above styled cause and shows unto the court that an order of publication was made on the 25th day of July, 1952, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, in its issues of July 31st, August 7, August 14, August 21, 1952, and was directed to Mary Wylie and Emmie S. Carter, John W. Downer, Alabama Tobacco Company, a corporation, the unknown heirs, devisees, personal representatives and assigns of Mary Wylie, Emmie S. Carter, John W. Downer, Alabama Tobacco Company, a corporation, and any other persons, firms or corporation claiming any title to, right, interest in, lien or encumbrances upon the following described land situated in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7 and 8, in Farm 12 as per plat of file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less.

As Respondents, which required the said Respondents to answer or demur to the bill of complaint within thirty days after the 1st day of September, 1952, which said respondents have to this day failed to do.

Wherefore, the Complainants move the court to grant a decree pro confesso against the Respondents.

Dated this the 11 day of June, 1952.

W. H. H. H.
Solicitor for the Complainant

RECORDED

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

MOTION FOR DECREE PRO
CONFESSON PUBLICATION

Filed 12-11-52

*Amie J. Lucke
Register*

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

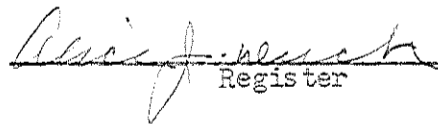
NO. 2855

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appearing to the court that the order of publication heretofore made in this cause was published four consecutive weeks commencing on the 31st day of July, 1952, in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama; that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 31st day of July, 1952, and it now further appearing to the court that the said John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie and Emmie S. Carter, the unknown heirs, devisees, grantees, personal representatives and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, respondents have to date hereof failed to plead, answer or demur to this bill of complaint in this cause.

IT is therefore on motion of the Complainant, ordered and decree, by the court, that the said bill of complaint be and it is hereby, in all things, taken as confessed against the Respondents named in this cause.

Witness my hand this the 15 day of December, 1952.


Register

RECORDED

STATE BANK OF ELBERTA,
A CORPORATION

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

DECREE PRO CONFESSO ON
PUBLICATION

Feb 12-15-54

Alice French
Ry

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

State Bank of Elberta,
Complainant,
Vs. John W. Downer
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent^s
Emmie S. Carter and Mary Wylie

by the Sheriff of Montgomery County, on the 28th day of July
1945.

And it further appears to the Register, that the said Emmie S. Carter and Mary
Wylie

_____, the Respondent^s, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of Hubert M. Hall Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said _____

Emmie S. Carter and Mary Wylie

This 15 day of Dec, 1945

W. J. Beach
Register.

RECORDED

No. _____

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY

State Bank of Elberta, a corporation

Complainant,

Vs.

John W. Downer, et al

Respondent.

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued this 15 day of Dec,
1945 ✓

Eric J. ...
Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

No. 2855 Circuit Court, In Equity.

State Bank of Elberta, a corporation, Complainant

Vs.

John W. Downer, et al Defendant

Motion is hereby made for a Decree Pro Confesso against Emmie S. Carter and Mary Wylie

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant S; and that said summons was duly served according to law, and that said Defendant S have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 11th day of Dec 1952

John W. Downer Solicitor.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

State Bank of Elberta, a
corporation,

Vs.

John W. Downer, et al

Motion for Decree Pro Confesso on
Personal Service

Filed Dec 11 1953

Alice J. Ketchum
Register.

Recorded in _____ Record

Vol. _____ Page _____

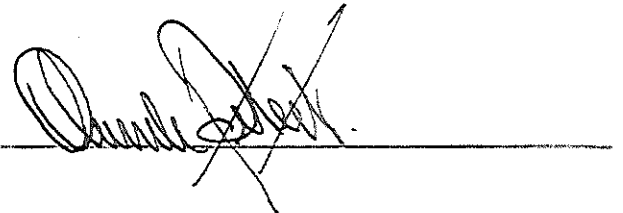
Register.

Cross examination by Guardian ad Litem:

The land in this suit is located over near Seminole, Alabama, and North of Elberta. It is level country land and capable of occupancy. I know that no one has made any claim to said land for the past 20 years adversely to the State Bank of Elberta and those through whom it claims by mesne conveyance.

A handwritten signature in black ink, appearing to be "Charles J. Shirey", written over a horizontal line.

I am acquainted with the land described in this cause of action. The land is practically level and fully susceptible of actual occupancy. I know of my own knowledge that for more than ten years no one has exercised or attempted to exercise any right of possession to said land other than A. J. Shirey, the heirs of A. J. Shirey, Will Williams, Annie Williams, through whom the State Bank of Elberta holds by mesne conveyance.

A handwritten signature in black ink, appearing to be "Charles J. Shirey", written over a horizontal line.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

State Bank of Elberta, a corp. Complainant

VS.

John W. Downer, et al, Respondent

I, Evelyn Watts

as Registered and Commissioner

have called and caused to come before me Alfred M. Neumann and Claude Peteet

witness^{es} named in the Requirement for Oral Examination, on the 14 day of January
1953, at the office of Hubert M. Hall
in Bay Minette, Alabama, and having first sworn said Witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said Alfred M. Neumann and Claude
Peteet doth depose and say as follows:

My name is Alfred M. Neumann. I am Cashier of the State Bank of Elberta. The State Bank of Elberta is a corporation organized and existing under the laws of the State of Alabama with its principal place of business at Elberta. I, as Cashier and managing Officer of the State Bank of Elberta have made and caused to be made a diligent search and inquiry as to any parties claiming to have any interest in the property described in the bill of complaint in this cause being the South half of Northwest quarter of Southwest quarter of Section 16, Township 5 South, Range 5 East, Baldwin County, Alabama. John W. Downer so far as I know and have been able to find out has never been a resident of the State of Alabama, however, he is over twenty-one years of age and his address cannot be ascertained after a diligent search and inquiry. The Alabama Tobacco Company at one time did an extensive business in Baldwin County, Alabama. It was a corporation. There is no one at this time resident of Baldwin County, Alabama, upon whom service could be perfected. The corporation so far as I know no longer is in existence and does not carry on its business in Baldwin County.

Mary Wylie and Emmie S. Carter are both over twenty-one years of age and resident of Montgomery. I have caused an abstract of the records to be made of the said land to ascertain and determine any claimants. The State Bank of Elberta is the owner in fee simple and in the actual possession of the lands herein described having acquired the same through a foreclosure deed from Will Williams and Annie Williams dated December 3, 1951, and of record in the Probate Judge of Baldwin County, Alabama, in Deed Book 174, pages 288-9. The said foreclosure deed is hereto attached and made a part of my testimony.

The said Will Williams and Annie Williams for a number of years held and were in possession of the said land and no one has at any time exercised or attempted to exercise any rights of possession contrary to their claim. Will Williams and Annie Williams acquired title in January 17, 1944, from Ella Shirey and others which deed is of record at the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 86 pages 396-7. There is no suit pending to test the Complainant's title to, interest in, or rights of possession to said land.

The title to the said lands claimed by your Complainant stand upon the records of the Probate Court of Baldwin County, Alabama, in the name of the Complainant, Alabama Tobacco Company, John W. Downer, Mary Wylie and Emmie S. Carter. No one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said land or made any claim thereto other than the Complainant, Mary Wylie, Emmie S. Carter, Will Williams, Annie Williams, A. J. Shirey, and the heirs of A. J. Shirey through whom the Complainant holds by mesne conveyance. No one is shown to have made any claim to said land other than the Respondents hereto, and their claim has not been openly asserted adversely to the claim of the Complainant and those through whom it claims by mesne conveyance.

ORAL EXAMINATION.

I, Evelyn Watts, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 14 day of January, 1943.

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

State Bank of Elberta,
a corporation,

vs. Complainant

John W. Downer, et al

Respondent.

Oral Deposition

Filed Jan 15, 1943

Eric J. French, Register.

Recorded in

Record

Vol. _____ Page _____

Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Evelyn Watts

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Alfred M. Neumann and Claude Peteet

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein State Bank of Elberta, a a corporation

and John W. Downer, et al, Complainant

Respondent

on oath, to be by you administered, upon Alfred M. Neumann and Claude Peteet to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 18 day of Dec, 1945

Archie J. Leach
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

**THE STATE OF ALABAMA
Baldwin County**

CIRCUIT COURT

State Bank of Elberta, a
corporation

Complainant

VS.

John W. Downer, et al

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

*Filed 12-18-52
Alice J. Lynch
Register*

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STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2855

NOTICE OF TIME OF TAKING TESTIMONY

TO: John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie
and Emmie S. Carter:

Notice is hereby given that the Complainant will on the 14 day of
January, 1953, before Evelyn Watts, as special Commissioner take
the testimony of the following witnesses:

Alfred M. Neumann

Elberta, Alabama

Claude Petset

Elberta, Ala.

Dated this the 18 day of December, 1952.

Arthur
Solicitor for the Complainant

Evelyn Watts
Special Commissioner

STATE BANK OF ELBERTA, A
CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

NOTICE OF TIME OF TAKING TESTIMONY

Filed 12-18-52

Arcis J. French
Register

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

LIS PENDENS NOTICE

It having been made to appear in the above styled cause by proper affidavit; that Mary Wylie and Emmie S. Carter are over twenty-one years of age and their address being 1 West Broadway, Montgomery, Alabama; that John W. Downer, if living, is over twenty-one years of age and a non-resident of the State of Alabama, and if dead, his heirs, assigns, executors, administrators and personal representatives are non-residents of the State of Alabama, and from all information obtainable, over twenty-one years of age, and their addresses cannot be ascertained after a diligent search and inquiry; that the Alabama Tobacco Company is a corporation, but has no one a resident of the State of Alabama upon whom service can be perfected; that the complainant, The State Bank of Elberta, is a corporation organized and existing under the laws of the State of Alabama with its place of business at Elberta, in Baldwin County, Alabama, and the owner is fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7, and 8 in Farm 12 as per plat of file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less.

That your Complainant acquired title to said lands by foreclosure deed from Will Williams and Annie Williams dated December 3, 1951, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 174 NS pages 288-9; that your Complainant has been in the possession of and paying taxes upon and ever claiming to own the said land for more than ten years next preceding the filing of the bill of complaint; that no person is known to have paid any taxes on said land, or to have been in possession thereof, within ten years next preceding the filing of the bill of complaint,

It is therefore ordered and notice is hereby given that the said John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, the unknown heirs, devisees, personal representatives and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrances upon said lands, or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before 1st day of Sept, 1952, or upon their having failed to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 25 day of July, 1952.

Alice J. Duck
Register

H. M. Hall
Solicitor for the Complainant.

STATE OF ALABAMA
BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of State Bank of Elberta, a corporation, Complainant, vs John W. Downer, et al, respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said land lies, in accordance with the provisions of the laws of the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 25 day of July, 1952.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 7-28-52 11:52 a.m.

Recorded Lib. Pub. book 2 page 393-4

W. R. Street
Index of Probate

J.

70 285-5'

STATE BANK OF ALBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

LIS PENDENS NOTICE

P. 1.00

Mrs. Duck

FILED

JUL 26 1952

ALICE J. DUCK, Register

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2855

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin
County, Alabama:

The Complainant wishes to take orally, on behalf of the Complainant,
the testimony of the following witnesses:

Alfred M. Neumann

Elberta, Alabama

Claude Peteet

Elberta, Alabama.

~~It is hereby requested that they be given proper and legal notice~~
and that Evelyn Watts be appointed as Special Commissioner, to take
testimony of said witnesses, and that due and legal notice be given as
required by law.

Dated this the 18 day of December, 1952.

J. H. Vance
Solicitor for the Complainant

STATE BANK OF ELBERTA,
A CORPORATION,

COMPLAINANT

VS

JOHN W. DOWNER, ET AL,

RESPONDENTS

REQUEST FOR APPOINTMENT
OF COMMISSIONER

Filed 12-18-52

*Wm. J. M. M. M.
Register*

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

Legal Notice

LEGAL NOTICE
In The Circuit Court of Baldwin County,
Alabama, In Equity
No. 2855

STATE BANK OF ELBERTA, A Corporation,
Complainant
Vs.

JOHN W. DOWNER, ET AL, Respondents
LIS PENDENS NOTICE

It having been made to appear in the above styled cause by proper affidavit, that Mary Wylie and Emmie S. Carter are over twenty-one years of age and their address being 1 West Broadway, Montgomery, Alabama; that John W. Downer, if living, is over twenty-one years of age and a non-resident of the State of Alabama, and if dead, his heirs, assigns, executors, administrators and personal representatives are non-residents of the State of Alabama, and from all information obtainable, over twenty-one years of age, and their addresses cannot be ascertained after a diligent search and inquiry; that the Alabama Tobacco Company is a corporation, but has no one a resident of the State of Alabama upon whom service can be perfected; that the complainant, The State Bank of Elberta, is a corporation organized and existing under the laws of the State of Alabama with its place of business at Elberta, in Baldwin County, Alabama, and the owner is fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Farm Lots 5, 6, 7, and 8 in Farm 12 as per plat of file in the office of the Alabama Tobacco Company, being the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 6 South, Range 5 East, containing 20 acres, more or less.

That your Complainant acquired title to said lands by foreclosure deed from Will Williams and Annie Williams dated December 3, 1951, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 174 NS pages 288-9; that your Complainant has been in the possession of and paying taxes upon and ever claiming to own the said land for more than ten years next preceding the filing of the bill of complaint; that no person is known to have paid any taxes on said land, or to have been in possession thereof, within ten years next preceding the filing of the bill of complaint.

It is therefore ordered and notice is hereby given that the said John W. Downer, Alabama Tobacco Company, a

corporation, Mary Wylie, Emmie S. Carter, the unknown heirs, devisees, personal representatives and assigns of John W. Downer, Alabama Tobacco Company, a corporation, Mary Wylie, Emmie S. Carter, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrances upon said lands, or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before 1st day of September, 1952, or upon their having failed to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them; and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereto set my hand and seal of office on this the 25th day of July, 1952.

ALICE J. DUCK
Register
H. M. HALL
Solicitor for the Complainant. 28-4c.

ALABAMA

FIDAVIT OF PUBLICATION

Faulkner, being duly sworn, deposes and says HER of THE BALDWIN TIMES, a Weekly Newspaper published in Baldwin County, Alabama; that the notice hereto attached of

Bank of Elberta vs. J. W. Downer

COST STATEMENT

618 WORDS @ 6 1/2 cents --- \$ 40 12

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication July 31, 1952 Vol. 63 No. 28

Date of 2nd publication Aug. 7, 1952 Vol. 63 No. 29

Date of 3rd publication Aug. 14, 1952 Vol. 63 No. 30

Date of 4th publication Aug 21, 1952 Vol. 63 No. 31

Subscribed and sworn before the undersigned this 23 day of Aug, 1952

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.

